

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CRIMINAL ACTION
v.)	
)	No. 12-20099-01-KHV
MENDY READ-FORBES,)	
)	
Defendant.)	
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MEMORANDUM AND ORDER

On July 21, 2020, the Court appointed counsel to represent defendant on her Petition For Writ Of Audita Querela Or Other Appropriate Relief Pursuant To The All Writs Act (Doc. #366) filed December 6, 2019. On November 1, 2021, the Court overruled defendant’s Motion To Stay Proceedings (Doc. #462) and dismissed without prejudice her Petition For Writ Of Audita Querela Or Other Appropriate Relief Pursuant To The All Writs Act (Doc. #366). See Memorandum And Order (Doc. #463). This matter is before the Court on defendant’s pro se Motion For Reconsideration/Reinstatement Of Movant’s Audita Querela (Doc. #464) filed November 23, 2021. For reasons stated below, the Court overrules defendant’s motion.

Defendant’s pro se motion seeks reconsideration of the Court’s ruling on her motion to stay. The Court overrules defendant’s pro se motion because appointed counsel did not sign it. See United States v. Couch, 758 F. App’x 654, 655–56 (10th Cir. 2018) (no constitutional right to hybrid form of representation); United States v. Sandoval-DeLao, 283 F. App’x 621, 625 (10th Cir. 2008) (no error in refusal to consider pro se motion when defendant represented by counsel); United States v. Castellon, 218 F. App’x 775, 780 (10th Cir. 2007) (if criminal defendant represented by counsel, court does not accept pro se filings). In any event, defendant’s motion

lacks substantive merit. Because the Court determined that updated briefing from both parties was necessary to decide the issues presented in defendant's petition for a writ of audita querela, it dismissed her petition *without prejudice*. See Memorandum And Order (Doc. #463) at 1. As explained in the prior order, to the extent that defendant wants to pursue her request for a writ of audita querela, she may file a renewed motion and supporting memorandum. See id.

IT IS THEREFORE ORDERED that defendant's pro se Motion For Reconsideration/Reinstatement Of Movant's Audita Querela (Doc. #464) filed November 23, 2021 is **OVERRULED**.

Dated this 29th day of November, 2021 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge